IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Interim Relief Application No. 416 of 2007
In
Writ Petition No. 1595 (SS) of 2006

Shakuntala Arya,
W/o Sri Shayam Lal Arya,
R/o Village and Post – Bhatkot,
District – Almora. **…….Petitioner.**

Versus

1. Director, Medical Health & Family Welfare, Uttaranchal Government, Dehradun.
2. Additional Director, Medical Health & Family Welfare, Garhwal Region, District- Pauri Garhwal.
3. Chief Medical Officer, District- Pauri Garhwal.
4. Medical Officer, Incharge Additional Primary Health Centre, Dewal, District – Chamoli.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Sharad Sharma learned counsel for the petitioner and Sri N.P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

a. *Issue a writ order or direction in the nature of Mandamus commanding the respondents either to accept the petitioner's joining at Dewal or to relieve her to enable her to join at Gochar in pursuance to the order dated 06.12.2006.*

b. *issue a writ, order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case*

c. *award the costs of the petition.*

The submission of the learned counsel for the petitioner is that vide order dated 06.12.2006 passed by Chief Medical Officer, petitioner, who was working as Swasthya Nirikshak, Primary Health Centre, Dewal, District – Chamoli was attached to Additional Primary Health Centre, Gochar. In pursuance to this order, petitioner went to Gochar, however, as alleged by the petitioner, Dy. C.M.O., Gochar did not permit the petitioner to join, as she was not having the relieving certificate.

Aggrieved with the action of Dy. C.M.O., Gochar petitioner preferred this writ petition with a prayer for a direction to respondents either to accept the petitioner's joining at Dewal or to relieve her to enable her to join at Gochar in pursuance to the order dated 06.12.2006 passed by CMO, Chamoli.

This court on 19.12.2006 directed the respondent no. 4 to relieve the petitioner from Dewal so that she may join the office of Additional Health Centre, Gochar.

Petitioner has now moved interim relief application no. 416 of 2007. In this application, petitioner has alleged that in pursuance to the order passed by this court on 19.12.2006, she was relieved from Dewal on 06.01.2007 and she has joined her duties of Gochar on 10.01.2007 in pursuance to the order dated 06.12.2006, however, she is not getting salary. Petitioner has moved representation before respondents for making payment of salary but respondents have not paid any heed.

In the circumstances stated above, I direct the respondents to make payment of salary to the petitioner forthwith, if she has joined at Gochar in pursuance to the order dated 06.12.2006 passed by CMO, Chamoli.

With this direction, writ petition as well as interim relief application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 22, 2007
SKSharma